

REMARKS

Claims 1-23 are pending in the application. The Examiner has rejected Claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Solondz (U.S. Patent 6,192,248) in view of Virtanen (U.S. Patent 6,249,681).

Solondz discloses a system for customizing service in a wireless communication system in accordance with a user profile; Virtanen discloses a method and apparatus for packet data call re-establishment in a telecommunications system.

Regarding rejections of Claims 1-23 under §103(a), Claim 1 of the present application recites if the base station does not have enough available resources to accommodate requested call, a base station determines a service level of a call requested by call set-up request. Solondz, at col. 5, line 62 to col. 6, line 1, discloses that if the base station does not have a free channel to service a call, a call processor in a MTSO determines a service priority level included in a user profile (database) of a first subscriber. The "service level" recited in Claim 1 of the present application is determined by the base station, based on the characteristics of the call (i.e., a mobile station priority or the service priority) requested by call set-up request from the mobile station in order to allow a mobile communication system to effectively manage the resources. The "user profile" in Solondz relates to a unique user identification number.

As recited in Claim 1 of the present application, if the service level of requested call is greater than the service level of the call in progress of the first mobile station, the call in progress of the first mobile station is suspended and the call set-up request is accepted to service the requested call of a second mobile station. However, Solondz, at Col. 5, lines 17-22, discloses that a wireless communication system may reserve channels for a higher priority user, and further reserves one or more channels to handle call requests having a predetermined highest priority level. Virtanen does not cure this defect. Based on at least the foregoing distinctions, it is respectfully requested the rejection of Claim 1 be withdrawn.

The Examiner asserts that Virtanen discloses features recited in Claim 5 of the present application, namely, that if the base station secures enough resources to resume the suspended call while servicing the requested call of a second mobile station, the base station transmits a reestablishment message to a first mobile station and the first mobile station resumes data transmission in response to the reestablishment message. Although Virtanen discloses an apparatus and a method for re-establishing an interrupted data packet call on a channel between two transceiving devices in a telecommunication system, Virtanen does not disclose that the data transmission is resumed if the base station secures enough resources, a feature recited in Claim 5 of the present application. Solondz does not cure this defect. Based on at least the foregoing distinctions, it is respectfully requested the rejection of Claim 5 be withdrawn.

Recited in Claim 10 of the present application, the first mobile station resumes data transmission when a predetermined time period is expired after service of the second mobile station. However, Virtanen merely discloses re-establishment message but does not disclose that the data transmission is resumed when establishment time stored in waiting duration time filed is expired as recited in Claim 10 of the present application. Solondz does not cure this defect. Based on at least the foregoing distinctions, it is respectfully requested the rejection of Claim 10 be withdrawn.

As Claims 14 and 19 recite elements similar to those in Claim 1 believed to be patentable over Solondz and Virtanen, based on at least the foregoing distinctions with respect to Claim 1, it is respectfully requested the rejections of Claim 14 and 19 be withdrawn.

Independent Claims 1, 5, 10, 14 and 19 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-4, 6-9, 11-13, 15-18 and 20-23, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-4, 6-9, 11-13, 15-18 and 20-23 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-23, are

believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Dilworth", written in a cursive style.

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